

CAUSE NO. 03-18-00759-CR

IN THE COURT OF APPEALS
FOR THE THIRD DISTRICT OF TEXAS
AUSTIN DIVISION

FILED IN
3rd COURT OF APPEALS
AUSTIN, TEXAS
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JEFFREY D. KYLE
Clerk

JESSIE LEE BROOKS, JR. §
 §
v. §
 §
THE STATE OF TEXAS §

APPELLANT'S SECOND MOTION FOR EXTENSION OF
TIME TO FILE APPELLANT'S BRIEF

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ATTORNEY FOR APPELLANT

TO THE HONORABLE COURT OF APPEALS:

COMES NOW, Appellant, JESSIE LEE BROOKS, JR., who files this Second Motion for Extension of Time to File Brief and shows unto the Court as follows:

I.

Appellant's Brief is due on or before June 27, 2019.

II.

Appellant is asking for an additional thirty days to file his brief, which should make his brief due on or before July 29, 2019 (actual deadline falls on Saturday, July 27, 2019).

III.

Facts from the last month or so relied on to reasonably explain the need for an extension include, but is not limited to, the following:

1. Draft, on behalf of the State and with short notice, twenty-five page response to motion to dismiss for violation of the defendant's right to a speedy trial, perform related legal research/review of various documents, advise regarding appeal of order of dismissal, notice of appeal and request for findings of fact and conclusions of law in *The State of Texas v. Echols*;

Cause No. 11-19-00209-CR and, at trial, CR04341; 220th District Court; Comanche County, Texas. (Work performed on May 17, 2019; May 20, 2019; May 21, 2019; May 22, 2019; May 23, 2019; May 24, 2019; May 28, 2019; June 5, 2019; June 7, 2019; June 14, 2019; June 17, 2019; June 24, 2019).

2. Draft and file brief, review record, perform legal research, request supplemental clerk's record, request second extension of time in *Forister v. State*; Cause No. 01-19-00030-CR. (Work performed on May 15, 2019; May 17, 2019; May 23, 2019; May 24, 2019; May 28, 2019; May 30, 2019; May 31, 2019; June 12, 2019; June 17, 2019; June 18, 2019; June 19, 2019).
3. Review parts of record and request extension of time in *Anderson v. State*; Cause No. 11-19-00020-CR. (Work performed on June 3, 2019; June 6, 2019; June 11, 2019; June 12, 2019; June 18, 2019).
4. Draft Motion for Reconsideration and Motion for Leave to File Amended Pleadings plus proposed orders; legal research; client meeting; review responses and pleadings from opposing

counsel; client meeting; etc. in *Wohleb v. Solomon*; Cause No. CV39065; 20th District Court; Milam County, Texas. (Work performed on June 3, 2019; June 4, 2019; June 5, 2019; June 7, 2019; June 10, 2019; June 11, 2019).

5. Draft notice of appeal plus motion for extension of time to file notice of appeal and perform related legal research regarding prisoner mailbox rule, etc. based on late appointment and no formal notice of appeal being in the record in *Washington v. State*; Cause No. 10-19-00204-CR. (Work performed on June 14, 2019; June 17, 2019).
6. Motion for service by publication and proposed order; motion for appointment of attorney ad litem and proposed order; motion to retain case on the docket and proposed order; client communications; special warranty deed and waiver of service to unserved defendant; communications with unserved defendant; in *Sanguedolce v. Beebe, et al*; Cause No. 275,812-C; 169th District Court, Bell County, Texas. (Work performed on May 29, 2019; May 31, 2019; June 10, 2019).

7. Motion for Summary Judgment, review pleadings, perform research in *Bailey v. Amaro*; Cause No. 303,118-B; 146th District Court; Bell County, Texas. (Work performed on June 10, 2019; June 11, 2019).
8. Review DNA/Y-STR results and send to client with detailed explanation in *Marsh v. State*; Cause No. CCCR-11-03262; Comanche County, Texas. (Work performed on June 11, 2019).
9. Original Petition and Agreed Judgment in *Ron Bickel Construction, Inc. v. Carrillo*; Cause No. 212019S0011878. (Work performed on May 10, 2019; June 10, 2019).
10. Client meeting, work related to real estate transactions in *Estate of Don Hancock, Deceased*; Cause No. 32,864; County Court at Law No. 1; Bell County, Texas. (Work performed on June 3, 2019; June 7, 2019; June 11, 2019; June 12, 2019; June 14, 2019; June 17, 2019).
11. Proposed order and related work in *Tax Appraisal District of Bell County v. Lane, Et Al*; Cause No. 246,653-C; 169th District

Court; Bell County, Texas. (Work performed on May 10, 2019; May 21, 2019; May 24, 2019).

12. Demand letter and related review of medical records, Application to Dispose of Personal Property Plus Proposed Order, in *Estate of Gerhard Philipp, Deceased*; Cause No. 33418; County Court at Law No. 1; Bell County, Texas. (Work performed on June 6, 2019; June 7, 2019).
13. CLE on June 4, 2019 and June 6, 2019.
14. Doctor's Appointment on May 30, 2019
15. Office closed on Memorial Day, May 27, 2019.
16. Dentist's Appointment on June 13, 2019.
17. Doctor's Appointment on June 14, 2019.
18. Eye appointment on June 18, 2019.
19. Two partners out on two separate weeks (June 3, 2019—June 14, 2019 and June 10, 2019—June 14, 2019), increasing workload for Appellant's attorney.
20. Lost most of morning of June 27, 2019 because of youngest child being sick.

21. Miscellaneous work/work-related activity (e.g., Executive Order 13706 research and give opinion, review deeds and releases of liens, etc.) (performed variously over the course of the last month).

IV.

One previous extension has been requested and granted in this matter.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Appellant asks this Court to extend his time for filing his brief to thirty (30) days from the date his brief is due.

Respectfully submitted:

/s/ Justin Bradford Smith
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ATTORNEY FOR APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2019, a true and correct copy of Appellant's Second Motion for Extension of Time to File Brief is being or will be forwarded to the counsel below by email and/or eservice:

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/s/ Justin Bradford Smith
Justin Bradford Smith